

**FILED**  
Court of Appeal - First App. Dist.

DEC 17 1997

RON D. BARKOW, CLERK  
By \_\_\_\_\_ DEPUTY

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

CHURCH OF SCIENTOLOGY )  
INTERNATIONAL, )  
 )  
Plaintiff-Respondent )  
 )  
v. )

GERALD ARMSTRONG, )  
 )  
Defendant-Appellant. )  
\_\_\_\_\_ )

Appeal No. **A075027**

Marin County Superior Court  
No. 157680  
Hon. Gary W. Thomas  
Superior Court Judge

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**REQUEST FOR EXTENSION TO FILE OPPOSITION  
TO MOTION TO DISMISS APPEAL**

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Gerald Armstrong  
C/O George W. Abbott, Esquire  
2245-B Meridian Boulevard  
P.O. Box 98  
Minden, Nevada 89423-0098  
Defendant and Appellant  
In Propria Persona

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Defendant-Appellant Gerald Armstrong hereby requests an extension until December 30, 1997 to file his opposition to Plaintiff-Respondent Scientology's motion to dismiss this appeal for the reasons set forth in the following declaration.

Respectfully submitted.

DATED: December 15, 1997

A handwritten signature in black ink, appearing to read 'GERALD ARMSTRONG', written over a horizontal line. The signature is somewhat stylized and overlaps the line.

GERALD ARMSTRONG

**DECLARATION OF GERALD ARMSTRONG**

I, Gerald Armstrong, declare:

1. I have personal knowledge of the facts set forth in this declaration and could competently testify thereto if called as a witness. I am making this declaration in support of a request for an extension of time to file my opposition to plaintiff and respondent Scientology's motion to dismiss my appeal.

2. I apologize for my failure to file my opposition on time. Because of other demands in my life and just doing what is necessary to survive, I have had insufficient time to complete my opposition. I had believed and communicated with the Clerks of Division 4 that I would be filing my opposition by now, but that was not possible.

3. I have, however, been diligent, and have put a great



1 deal of effort into this work. In order to demonstrate my good  
2 faith effort and my intention to file an opposition, I am sending  
3 with this request for extension a copy of the declaration I have  
4 written and the exhibits I have assembled to support the  
5 opposition. I am also providing Scientology with a copy of this  
6 declaration and exhibits.

7 4. My diligence and good faith are also shown by the 50  
8 page Opening Brief I filed.

9 5. Clearly, the threatened dismissal of this appeal is a  
10 serious matter. It is made particularly serious by the type of  
11 charges Scientology is making in its motion. Because of this  
12 matter's serious nature, it is crucial that I be able to present  
13 a well-reasoned and researched opposition. I recently received an  
14 offer from a US attorney to help with research in this matter. As  
15 this Court knows, I have not had access where I have been staying  
16 in Canada to California cases and laws, I am not an attorney.

17 6. As this Court has also learned from my earlier  
18 submissions, including sworn declarations and other evidence, I  
19 am a target of the Scientology organization's "fair game" policy.  
20 I have been under attack from Scientology for a long time, and am  
21 under a great amount of threat and stress. This makes working in  
22 this subject, and life itself, very difficult.

23 7. My resources are extremely limited, and some things  
24 which are simple and quick for a functioning law firm are  
25 difficult and time-consuming for me. I have not had a printer,  
26 nor standard office equipment like a hole punch. (I borrowed one  
27 from a school to prepare the accompanying declaration.) Because  
28 of the nature and practices of Scientology, to get someone to



1 sign a proof of service and mail my documents can for me take  
2 hours.

3 8. When I received Scientology's motion I was in the  
4 process of moving to my new residence in Nevada, and my needed  
5 files were divided between Canada and Nevada. I anticipate  
6 completing this move within the next two weeks.

7 9. I am at the time of writing this request for extension  
8 in Nevada, and will be here four days in connection with other  
9 legal matters. See, e.g., declaration Exhibit 14, complaint in  
10 Gerald Armstrong v. David Miscavige, Scientology, et al., US  
11 District Court, District of Nevada, Case No. CV-N-97-00670-HDM  
12 (RAM). In order to complete my opposition, I require my computer  
13 which is in Canada.

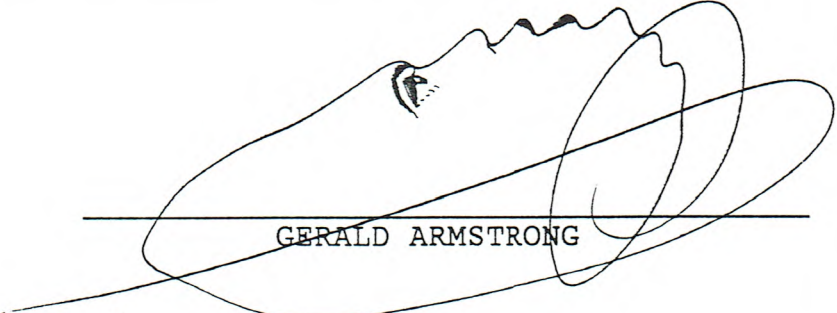
14 10. This is the first extension I have requested regarding  
15 this opposition.

16 11. I believe that I can complete the opposition by  
17 December 30, and I request an extension of time until that date  
18 in which to file my opposition.

19 12. My opposition to Scientology's motion has merit, as  
20 does my appeal. Justice therefore demands that I be given the  
21 opportunity to oppose Scientology on the merits.

22 I declare under the penalty of perjury under the laws of the  
23 State of California that the foregoing is true and correct.

24 Executed at Minden, Nevada, December 15, 1997.

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GERALD ARMSTRONG

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**PROOF OF SERVICE**

I am employed in the State of Nevada. I am over the age of eighteen years and am not a party to the above entitled action.

I served the following document:

**REQUEST FOR EXTENSION TO FILE OPPOSITION  
TO MOTION TO DISMISS APPEAL**

on the following person(s) on the date set forth below, by delivering a true copy thereof enclosed in a sealed envelope to the addressees below:

Clerk, Marin Superior Court  
Hall of Justice, Civic Center  
San Rafael, CA 94903

Andrew Wilson, Esquire (with copy declaration and exhibits)  
Wilson Campilongo LLP  
115 Sansome Street, Suite 400  
San Francisco, California 94104

Eric M. Lieberman, Esquire  
Rabinowitz, Boudin, Standard,  
Krinsky & Lieberman, P.C.  
740 Broadway, 5th Floor  
New York, NY 10003

- (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the US mail at Minden, Nevada.
- (Personal) I caused said papers to be personally served on the office of counsel.
- (State) I declare under penalty of perjury under the laws of the United States and the State of California that the above is true and correct.

DATED: December 16, 1997

Mary Abbott